UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1985/WG.1/SR.23
10 May 1985

ORIGINAL: ENGLISH

First regular session, 1985

SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 23rd MEETING

Held at Headquarters, New York,
on Wednesday, 8 May 1985, at 3 p.m.

Chairman: Mr. KORDS (German Democratic Republic)

CONTENTS

Consideration of the composition, organization and administrative arrangements of the Sessional Working Group and other bodies established in accordance with existing international instruments in the field of human rights in accordance with Council resolution 1982/33 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

85-55913 4270S (E)

/...

The meeting was called to order at 3.35 p.m.

CONSIDERATION OF THE COMPOSITION, ORGANIZATION AND ADMINISTRATIVE ARRANGEMENTS OF THE SESSIONAL WORKING GROUP AND OTHER BODIES ESTABLISHED IN ACCORDANCE WITH EXISTING INTERNATIONAL INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS IN ACCORDANCE WITH COUNCIL RESOLUTION 1982/33 (continued) (E/1985/17)

1. Mr. BENDIX (Denmark) said that the Working Group was a subsidiary body of the Economic and Social Council and was therefore governed by the rules of procedure of the Council. The issue of consensus did not therefore merit consideration.

2. Mr. TEXIER (France) agreed with the expert from Denmark. The Working Group must follow the rules of procedure of the Economic and Social Council, which provided for the possibility of a vote; that was an indispensable guarantee of democracy. He had been a member of the Working Group for three years, during which the experts had invariably tried to achieve consensus and had usually succeeded. If, however, there was profound disagreement on an issue, the Working Group should not hesitate to vote. A consensus rule would be like the right of veto in the Security Council and might prevent the adoption of decisions. It was important, however, that the Working Group should make every effort to reach a consensus and all concerned should be willing to make concessions.

3. The most difficult question was whether the Working Group should be a body of government experts or a body of experts participating in their personal capacity. His Government did not favour a body of independent experts but he was nevertheless authorized to accept the majority view on that point. If agreement could not be reached on some of the other issues under discussion, the Working Group should so inform the Economic and Social Council and should state the opposing positions clearly.

4. The CHAIRMAN, speaking as the expert from the German Democratic Republic, said it was important that the Working Group should make every effort to achieve consensus through compromise as a means of overcoming difficulties. It was his view that government experts would be in a position to perform the Working Group's task in a manner consistent with the objectives of the Covenant. There appeared to be agreement that the Working Group could meet at a time different from the sessions of the Economic and Social Council and alternate between New York and Geneva. Whether the Group should consist of 18 or 15 members was not important. What was important was that each interest group should have a chance to participate. There was merit in the suggestion that the experts should be appointed directly by the Economic and Social Council. The provision of the financial resources needed to implement the Working Group's suggestions was the responsibility of the Council. The issue of improving the Group's working methods required further discussion.

5. Mr. DE ALBA (Mexico) said that the item under consideration provided an opportunity for the Working Group to assess and, if necessary, modify its operational methods while adhering strictly to its terms of reference. The

(Mr. de Alba, Mexico)

objective of such an evaluation must be to enhance the effectiveness of the Working Group, for example by allowing wider participation by developing countries. Economic, social and cultural rights were just as important as any other human rights; economic rights, in particular, were of special importance as they covered a series of elements which were at the heart of the Covenant. There was a close relationship between the Covenant and the development process in all countries and the Working Group should reflect that reality in every area of its work. It must bear its special character in mind when considering each aspect of its composition, organization and administrative arrangements and particularly to the criterion for the selection of experts. The character and professional level of the expert was more important than the manner in which he was selected.

6. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said it was essential that the Working Group should comply strictly with the decisions which the Economic and Social Council had taken in its regard. If it went beyond those terms of reference, it would undermine its own special character. The working methods to be applied had been clearly stipulated in paragraph 4 of Economic and Social Council resolution 1979/43 to the effect that the Working Group should conduct its meetings in accordance with the rules of procedure of the Economic and Social Council in so far as they were applicable but that the Working Group would endeavour to work on the basis of the principle of consensus. If the provisions of that paragraph presented no difficulties to the Working Group, no problem arose concerning voting or consensus. The value or demerits of agreement by consensus were not at issue. The discussions of the past week had shown that the Group was indeed guided by paragraph 4. Accordingly, if there was any decision to change the Working Group's procedures, that key provision of paragraph 4 should be respected. The Chairman's informal proposal was a satisfactory attempt to reconcile the various points of view and it presented no difficulties for him. However, if the Group wished to change the way decisions were taken, the problem must be discussed; any such change would have a negative effect on both the Working Group and the Economic and Social Council.

7. He considered that a change in the Working Group's name might demonstrate increased awareness of the Group's independence.

8. As to the status of experts, he would prefer them to be governmental but was prepared, as a concession, to agree that they should serve in an individual capacity. In any case, there was not much difference between the two categories, since the ideas of individual experts necessarily reflected to some extent the educational and political climate of their countries.

9. The question of financing was a delicate problem. He was prepared to support the proposal of the Chairman but would prefer more positive recommendations that would take into account the views of experts from developing and developed countries. Proposals regarding financing might meet with opposition from the Economic and Social Council, and the members of the Working Group should be moderate for the time being and allow for the possibility of broader discussions later.

10. Overall, he could support the Chairman's proposals as a basis for work.

11. Mr. BENDIX (Denmark) said that the Group agreed that the provisions of Economic and Social Council resolution 1979/43 should be borne in mind. It was currently attempting to give guidelines for change. As the expert from France had said, regardless of the decisions taken, the Group would still be working under the provisions of the Covenant - in other words, the Economic and Social Council would still be the overall monitoring body. The question of consensus should not be discussed: it was merely confusing, since the Group would apply Council rules, where appropriate. The Group should concentrate on discussing composition, membership and administrative arrangements. In that regard, it was important to give a clear picture of the Group's views to the Council.

12. With regard to the status of experts, he would favour experts who were appointed by Governments but served in a personal capacity. However, the word "independent" perhaps gave the wrong impression. He would suggest as the name "Committee of Governmental Experts" or "Committee of Experts Serving in their Personal Capacity".

13. With regard to the venue of meetings, he would suggest either Geneva or alternately Geneva and New York. Priority should be given to Geneva as being cheaper, with regard to both meeting costs and per diem. A proposal should be formulated regarding the expenses of the Working Group, including a recommendation that travel and per diem expenses should be paid by the United Nations. It should also be mentioned that the Group of Experts had discussed the inclusion of summaries in their reports but had reached no conclusion.

14. Mr. IIYAMA (Japan) said that, with regard to the venue of meetings, the explanation given by the representative of the Budget Division of the estimated cost of meeting in New York and in Geneva made Geneva seem cheaper if no permanent establishment was available when the meeting took place. The expert from Mexico had asked whether in the long run Geneva would not be more expensive: when the Working Group met in New York, a permanent establishment was available. He suggested that the Working Group should leave the Committee on Conferences to choose the most economic venue for meetings, but that the Group should indicate its preference after it had discussed the subject.

15. Mr. TEXIER (France) said that more than just the budgetary aspect was involved. Geneva was a traditional centre for the discussion of human rights, as opposed to political questions. Meeting there would emphasize the human rights aspect of the Group's work. In addition, in Geneva logistic support would be available from the Centre for Human Rights. A compromise solution would be to meet alternately in Geneva and in New York. The advantage of Geneva was that experts would go there solely for the Group's meetings, which would add to their effectiveness.

16. Mr. BENDIX (Denmark) suggested that the Working Group should schedule its meetings in New York during the first three weeks of April, when it could be sure of the availability of meeting services. Alternatively, meetings could be held at Geneva one year and in New York the next. In any event, the time and venue must be established on a fixed basis.

17. The CHAIRMAN suggested that the discussion should continue informally.

The meeting rose at 4.45 p.m.